

Response by an authority to a Notice of Reference

For a response by a claimant please use Form R Response (Claimant)

Compensating/Acquiring/Respondent Authority

If the authority is not represented all communications from the Tribunal and other parties regarding this application will be sent or delivered to this address.

Name

Address

Postcode

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Telephone number
(if not represented)

Fax (if not represented)

Email (optional)

Authority's representative/ address for service of documents

If this section is completed all communications from the Tribunal and other parties regarding this application will be sent or delivered to the representative.)

Name

Address

Postcode

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Telephone number(s)

Fax number

DX number

Email (optional)

The Authority intends to respond to the reference ☐ Yes ☐ No

If no, please attach a document explaining why. Please also complete the rest of the form. If you believe that the reference has not been made validly for any reason and cannot resolve the issue directly with the person making the reference you may need to apply to have a preliminary issues hearing.

Hearing arrangements

1. We intend to call an expert witness: ☐ Yes ☐ No ☐ Unsure
2. We wish to call more than one expert witness: ☐ Yes ☐ No ☐ Unsure
(If the claim relates to mineral valuations or business disturbance you may call two expert witnesses.
In any other case, permission from the Tribunal will be required to call more than one expert witness)
3. I/we have read the attached guidance and request the:
 - A. ☐ Standard procedure
 - B. ☐ Special procedure
 - C. ☐ Simplified procedure
 - D. ☐ Written representation procedure

If B, C or D we consider this procedure suitable because:

Statement of case

- If the person making the reference has attached a full statement of case to their Notice of Reference, you must file and serve a statement of your case, including full particulars of the facts you rely upon and any points of law on which you intend to rely at the hearing. If you are unable to do so, you must apply for an extension of time in which to file the statement of case with the Tribunal and serve a copy directly on the other party and pay the prescribed additional fee of £110.

Time limits

1. Will the Lands Chamber receive this notice within 1 month of sending you the Notice of Reference: ☐ Yes ☐ No
2. Will you file and serve a statement of case with this notice (if required, see note above): ☐ Yes ☐ No ☐ N/A

If no to either question, you need to ask for an extension of time and pay the £110 fee by cheque payable to 'HM Courts & Tribunals Service'. Apply by giving the reasons below.

We apply for a extension of time of days (state how many days extension you seek).

We need an extension of time because:

Declaration, signature and date

We accept responsibility for the conduct of the case and the payment of fees.

Signed

Dated

Name

Status

Checklist for enclosures

We have enclosed with this notice:

- A statement of case
- A cheque for £110 for the application for an extension of time application

☐ Yes ☐ No

☐ Yes ☐ No ☐ N/A

Where to send or deliver the documents

1. The Registrar, Upper Tribunal (Lands Chamber)

5th Floor

Rolls Building

7 Rolls Building

Fetter Lane

London EC4A 1NL

DX: 160042 Strand 4

Tel: 020 7612 9710

Fax: 0870 761 7751

2. The claimant

At the address for service on the Notice of Reference

Case management procedures note

Case Management

A step by step summary of our procedures is available in the procedure flowchart for references, which may be viewed online at our website or requested from the Lands Chamber office. The tribunal fees, such as the hearing fee, are payable in all cases.

You may apply for a change in procedure during the course of proceedings by setting out your reasons, confirming that you have given notice to all other parties and paying the £110 fee for an interlocutory application. At any time a Registrar or the Judge or Member to whom the case has been allocated, may direct that it should be assigned to one of the other procedures. All submissions from the parties will be taken into account in deciding which procedure should apply.

Simplified procedure

In certain small, simple or straightforward cases, time and costs may be saved by use of the simplified procedure. This procedure is for the speedy and economical determination of cases in which there is no substantial issue of law or valuation practice and no substantial conflict of fact is likely to arise. It is often suitable where the amount at stake is small. The appeal goes to a hearing as quickly as possible and with the minimum of formality and cost. The consent of the claimant, appellant or applicant will usually be required before a case is allocated to the simplified procedure.

In most cases a date for the hearing, normally about three months ahead, will be fixed immediately. The parties may be required to file statements of case. Not later than one month before the hearing, the parties must exchange copies of all other documents, such as witness statements, on which they intend to rely except their experts' report, if any, which must be exchanged not later than 14 days before the hearing. The hearing is informal and strict rules of evidence do not apply. It will almost always be completed in a single day. A surveyor may act both as advocate and as expert witness. Except in compensation cases, to which particular statutory provisions on costs apply, an award of costs is made only in exceptional circumstances. The usual tribunal fees, such as the hearing fee, are payable.

Written representations procedure

The Tribunal may order that the proceedings be determined without an oral hearing but will not usually do so without the consent of the parties to the proceedings. An order will only be made if the Tribunal, having considered the issues in the case and the desirability of minimising costs, decides that oral evidence and argument can properly be dispensed with. Directions will be given to the parties for the filing of representations and documents. If necessary, the Judge or Member allocated to the case will seek to carry out a site inspection before giving a written decision.

Special procedure

The special procedure is for cases requiring case management by a Judge or Member in view of their complexity, the amount in issue or wider importance. Under the special procedure an early case-management hearing is held for appropriate directions to be given for the fair, expeditious and economical conduct of the proceedings. Where appropriate a date for the final hearing is fixed at the case-management hearing and the steps which the parties are required to take, and any further case-management hearings, are timetabled by reference to this date.

Each party needs to consider whether it is appropriate to make application for the determination of a preliminary issue and for permission to call more than the permitted number of expert witnesses and identify, and where necessary make application for, any other order that it wishes the Tribunal to make at the case-management hearing. The parties must seek to agree the terms of any order that they wish the Tribunal to make. Not less than seven days before a case-management hearing the parties must file an agreed position statement summarising the subject-matter of the case and, to the extent that it is possible to do so at that stage, the issues. They must also state the areas of expertise of each expert witness that they propose to rely on and the general scope of their evidence.

Standard procedure

The standard procedure is used in cases where a hearing is necessary and the issues of fact, law or valuation are too complex for the simplified procedure but not so complex or of general importance so as to require the special procedure.

Under the standard procedure case management is in the hands of the Registrars who will give such directions as appear to be necessary. Directions given may, as appropriate, use elements of the special procedure (for example, timetabling through to the hearing date) or the simplified procedure. A Registrar will hold a case-management hearing should it appear appropriate to do so. If they wish to do so the parties may seek to agree appropriate directions for the conduct of the proceedings and may make an application to the Registrar for those directions by consent or on notice. The interlocutory application fee is payable.

All cases – interlocutory applications

If you are unable to comply with a direction that has been given during the course of proceedings, seek a direction, or wish to call more than one expert witness (see rule 17), you must make an application promptly for a stay of proceedings, for an extension of time or for the direction(s) sought. See rule 6 for full details of the interlocutory application procedure. You should seek the prior agreement of the other parties and, if it is not given, tell them that any objection must be made in writing to the Tribunal within 10 days. In the application you must set out your **reasons**, **confirm** that you have given notice of the application and objection procedure to all other parties. Remember to **enclose the fee** that is set out in the Tribunal's Fees Order, which may be viewed on line. It is £110. Please note that all cheques must be made payable to 'HM Courts & Tribunals Service'.

ADR/Mediation

The Tribunal supports the resolution of disputes by consent by the parties. Information about mediation services offered directly to Tribunal users is available on our website or may be requested from the Tribunal office. See the Practice Directions for information about staying the proceedings.

More information

If you have access to the internet please visit our website where you will find further information about proceedings in the Tribunal. If you do not have internet access you may call or write to us to request a copy of any of these documents.

This includes:

1. The Rules and the Practice Directions that govern our procedures;
2. The Order that sets the fees for stages in the proceedings and for applications;
3. The Procedure Flowcharts that show the steps in the proceedings; and
4. The Explanatory Leaflet that provides an overview of the cases the Tribunal deals with and other information.